

Remarks and Arguments

Claims 1-30 were presented for examination. Claims 1, 11 and 21 have been amended.

Claims 1-30 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,535,871 (Romansky, previously cited) in view of U.S. Patent No. 6,340,977 (Liu.) The examiner comments that the Romansky reference discloses all of the recited elements in the claims including fragmenting a text stream into phrases, but does not explicitly discuss multi-word phrases. However, the examiner asserts the Liu patent discloses an application program that has a Commentary Assembly Module that assembles multi-word phrases at runtime from single words and phrases. The examiner concludes that it would have been obvious to combine the teachings of Romansky with those of Liu in order to generate multi-word phrases and reduce data production at runtime.

Applicant respectfully disagrees with examiner's characterization of the Romansky reference as not discussing multi-word phrases. Romansky not only discusses multi-word phrases, but also teaches that such phrases should be broken into single words to avoid exposing too much information in the non-human-readable index that is generated from the human readable source document. See Romansky, column 1, line 66 – column 2, line 1. Therefore, the Romansky reference explicitly teaches away from the claimed invention which preserves multi-word phrases in a non-human-readable index in order to improve searchability.

The Liu references discloses a program that automatically generates a user assistance and learning module from a host program. The user assistance and learning program includes a commentary generator (the Commentary Assembly Module) that can assemble user progress comments from pre-stored phrases and words.

Applicant believes that the proposed combination of Romansky with Liu is improper and the result of a hindsight approach based on a knowledge of the present invention. First, it is not clear how the two references could be combined. The result of the Romansky processing is a list of single words taken from the human readable source document and then scrambled in order. Liu assembles multi-word phrases from stored words. Even if the Romansky list of words was taken as the stored list of words,

some mechanism must be present to assemble multi-word phrases from the Romansky word list in a manner so that the words have the same order that they have in the source document. No such mechanism is disclosed in Romansky or Liu.

Further, the object of the commentary module in Liu is to generate human readable, or at least human understandable, comments whereas the object of the Romansky reference and the present invention is to generate text that is not human readable. Thus, incorporating Liu into Romansky would modify the operation of Romansky such that it would be unsatisfactory for its intended purpose. Such a modification is improper; see MPEP §2143.01.

In the present invention, words are extracted from a text stream created from the content document and used to form phrases. The phrases are then randomly assembled. See the present specification, page 14, line 28 to page 16, line 11. Thus, within each phrase the words remain in the order in which they appeared in the content document. Such would not be the case in the combination of Romansky and Liu proposed by the examiner.

Independent claims 1, 11 and 21 have been amended to specify this difference. Claim 1 is illustrative. It recites, in lines 5-7, "... fragmenting the text stream into multi-word phrases, wherein words in each multi-word phrase remain arranged in an order that is the same as an order in which those words are arranged in the digital content..." Thus, claim 1 patentably distinguishes over the cited reference combination. Independent claims 11 and 21 have been amended in an analogous fashion.

The remaining claims are all dependent on one of claims 1, 11 and 21 and incorporate the limitations of their parent claims. Therefore, they also distinguish over the cited reference combination in the same manner as their parent claims.

In light of the forgoing amendments and remarks, this application is now believed in condition for allowance and a notice of allowance is earnestly solicited. If the examiner has any further questions regarding this amendment, she is invited to call

applicants' attorney at the number listed below. The examiner is hereby authorized to charge any fees or direct any payment under 37 C.F.R. §§1.17, 1.16 to Deposit Account number 50-3969.

Respectfully submitted

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